

REMARKS

In the June 16, 2004 Office Action, the Examiner noted that claims 1-3 and 5-16 are pending in the application; allowed claim 6 and rejected claims 1-3, 5 and 7-16. It is assumed that the inclusion of claim 6 in the claims listed as rejected on the third line of page 3 was a typographical error, since both the Office Action Summary and paragraph 15 on page 5 of the Office Action indicated that claim 6 was allowed. In rejecting the claims, "Microsoft Organization Chart" and U.S. Patent 5, 469,539 Usuda (Reference A in the Office Action received January 8, 2004) were cited. Claims 1-3 and 5-16 remain in the case. The Examiner's rejections are traversed below.

In paragraph 1 on page 2 of the Office Action, the Examiner responded to the request in the February 6, 2004 Amendment for an Examiner's Affidavit in support of using Microsoft Organization Chart, Version 2.00 with an invitation to view the software in operation. It is submitted that merely showing the undersigned how Microsoft Organization Chart, Version 2.00 works is insufficient, because a record needs to be established that can be reviewed, if necessary, by the Board of Patent Appeals and Interferences or the Court of Appeals for the Federal Circuit. It is doubted that at least the latter is willing to visit the Examiner to see the operation of the software.

Therefore, Applicant repeats the request for an Examiner Affidavit in accordance with MPEP §2144.03 if Microsoft Organization Chart, Version 2.00 continues to be used to reject the claims.

The Examiner's Affidavit is particularly needed in light of the comments in paragraph 3 on page 2 of the Office Action describing how Figs. 21-23 were created. The Examiner acknowledged that the changes in the drawings were created by manual operations performed by the Examiner, not by automatic operation of the program. It is acknowledged that any general purpose drawing program could create drawings like those produced by the present invention, provided a human operator controls the changes. However, the claims are clearly directed to operations performed automatically in response to operations performed by an operator that would not cause known prior art software or devices to produce such drawings. Specifically, claim 1 recites "an editor ... to delete the second object and to connect the first and third objects **according to contents of the first, second and third tables** in said storage unit, when the second object is selected, said editor adjusting a position of at least one of the first and third objects" (claim 1, lines 8-11, emphasis added). Furthermore, claims 7, 12, 14 and 16 have been amended to explicitly recite "an editor **automatically** deleting the second object and connecting the first and third objects when the second object is selected and dragged to a predetermined area" (claim 7, last 2 lines, emphasis added).

From the appearance of Fig. 22 generated by the Examiner using Microsoft Organization Chart, Version 2.00, it appears that the box labeled "2" was not "dragged to a **predetermined area**" (claim 7, last line, emphasis added), but rather was dragged to the vicinity of the middle block in the second row which is labeled "Type name here Type title here" and then, to create Fig. 23, the Examiner dragged the box labeled "3" and attached it to the box labeled "1". Thus, the operations were neither automatic nor the result of moving box 2 to a predetermined area to cause certain automatic operations to be performed. For the above reasons, it is submitted that claim 7 and claims 12, 14 and 16 which recite similar limitations, clearly distinguish over Microsoft Organization Chart, Version 2.00 in view of Usuda.

For the above reasons and the reasons set forth in the Amendment filed February 6, 2004, it is submitted that claims 1-3, 5 and 7-16, in addition to claim 6, patentably distinguish over Microsoft Organization Chart, Version 2.00 in view of Usuda.

Request for Examiner Interview

If the rejections based on Microsoft Organization Chart, Version 2.00 in view of Usuda are not withdrawn, the Examiner is respectfully requested to contact the undersigned by telephone to arrange an Examiner Interview **prior to issuing another Office Action**. At the Examiner Interview possible amendments to the claims, e.g., as suggested at the end of paragraph 2 on page 2 of the Office Action, could be discussed.

Summary

It is submitted that the prior art cited by the Examiner does not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-3 and 5-16 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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